

JUSTICE

Budget Summary						FTE Position Summary				
Fund	2010-11 Adjusted Base	Governor		2011-13 Change Over Base Year Doubled		2010-11	Governor		2012-13 Over 2010-11	
		2011-12	2012-13	Amount	%		2011-12	2012-13	Number	%
GPR	\$41,579,800	\$41,084,300	\$41,113,200	- \$962,100	- 1.2%	367.08	374.08	377.08	10.00	2.7%
FED	8,509,800	8,463,300	8,343,300	- 213,000	- 1.3	35.35	30.95	29.95	- 5.40	- 15.3
PR	43,635,100	38,530,100	38,540,800	- 10,199,300	- 11.7	190.21	181.21	181.21	- 9.00	- 4.7
SEG	<u>364,000</u>	<u>373,100</u>	<u>373,100</u>	<u>18,200</u>	2.5	<u>2.75</u>	<u>2.75</u>	<u>2.75</u>	<u>0.00</u>	0.0
TOTAL	\$94,088,700	\$88,450,800	\$88,370,400	- \$11,356,200	- 6.0%	595.39	588.99	590.99	- 4.40	- 0.7%

Budget Change Items

1. STANDARD BUDGET ADJUSTMENTS

Governor: Provide standard adjustments totaling \$1,635,500 GPR, \$293,100 FED, \$58,500 PR, and \$26,600 SEG in 2011-12, and \$1,635,500 GPR, \$253,500 FED and -1.0 FED position, \$69,500 PR, and \$26,600 SEG in 2012-13. Adjustments are for: (a) turnover reduction (-\$549,200 GPR and -\$132,600 PR annually); (b) removal of noncontinuing elements from the base (-\$68,200 FED and -\$598,000 PR in 2011-12, and -\$107,800 FED and -1.0 FED position and -\$598,000 PR in 2012-13); (c) full funding of salaries and fringe benefits (\$1,609,400 GPR, \$348,700 FED, -\$115,800 PR, and \$13,500 SEG annually); (d) reclassifications (\$89,100 PR in 2011-12, and \$100,100 PR in 2012-13); (e) overtime (\$157,300 GPR, \$555,400 PR, and \$11,400 SEG annually); (f) night and weekend differential (\$10,200 GPR and \$2,200 PR annually); and (g) full funding of lease costs and directed moves (\$407,800 GPR, \$12,600 FED, \$258,200 PR, and \$1,700 SEG annually).

	Funding	Positions
GPR	\$3,271,000	0.00
FED	546,600	- 1.00
PR	128,000	0.00
SEG	<u>53,200</u>	<u>0.00</u>
Total	\$3,998,800	- 1.00

2. INCREASE EMPLOYEE CONTRIBUTIONS FOR PENSIONS AND HEALTH INSURANCE

Governor: Delete \$2,816,900 in 2011-12, and \$2,809,900 in 2012-13, to reflect fringe benefit cost reductions associated with increased state employee contributions for Wisconsin Retirement System (WRS) benefits and health insurance coverage. The reductions would include \$191,800 FED in 2011-12, and \$184,800 FED in 2012-13, as well as \$1,723,100 GPR, \$884,500 PR, and \$17,500

GPR	- \$3,446,200
FED	- 376,600
PR	- 1,769,000
SEG	<u>- 35,000</u>
Total	- \$5,626,800

SEG annually. The calculation of retirement savings is based on employee WRS contributions equal to 5.8% of salary. Health insurance cost reductions are based on employees paying an average of approximately 12.6% of total premium costs, compared to the current average of approximately 6% of costs.

3. BUDGET REDUCTIONS

Governor: Reduce funding by \$891,800 GPR and \$1,805,100 PR annually associated with a 10% reduction to supplies and other non-personnel costs. Included in the recommended reductions are several large reductions which are shown below.

GPR	- \$1,783,600
PR	- 3,610,200
Total	- \$5,393,800

<u>Fund</u>	<u>Appropriation</u>	<u>Annual Reduction</u>
GPR	Law Enforcement-General Program Ops.	\$390,200
	County Victim/Witness Programs	140,800
	Crime Victim Awards	124,500
PR	Victim Surcharge-General Services	\$451,300
	Criminal History Searches; Fingerprints	295,900
	TIME System User Fees	225,500
	Sexual Assault Victim Services	198,000
	Drug Law Enforcement; Crime Labs	193,700

4. ELIMINATE LONG-TERM VACANCIES

Governor: Delete \$1,335,700 (all funds) and 19.0 positions annually to reflect the elimination of long-term vacant positions under the bill. The reductions would include \$407,400 GPR and 7.0 GPR positions, \$632,300 FED and 8.0 FED positions, and \$296,000 PR and 4.0 PR positions annually. Funding and position reductions are associated with positions that have been vacant for 12 months or more.

	Funding	Positions
GPR	- \$814,800	- 7.00
FED	- 1,264,600	- 8.00
PR	- 592,000	- 4.00
Total	- \$2,671,400	- 19.00

5. INTERNET CRIMES AGAINST CHILDREN TASK FORCE

Governor: Provide \$497,300 and 8.0 positions in 2011-12, and \$543,900 and 11.0 positions in 2012-13, to provide additional resources to the Internet Crimes Against Children (ICAC) Task Force at DOJ. Under the bill, 4.0 criminal analysts, 3.0 special agents, and 1.0 operations program associate would be created in 2011-12. In 2012-13, an additional 1.0 criminal analyst and 2.0 operations program associates would be created. Funding would include: (a) \$343,200 in 2011-12, and \$491,100 in 2012-13, for salary and fringe benefits costs; and (b) \$154,100 in 2011-12, and \$52,800 in 2012-13 for supplies and services costs.

	Funding	Positions
GPR	\$1,041,200	11.00

In addition, transfer \$237,600 GPR and 3.0 GPR positions annually from DOJ's

Administrative Services general program operations appropriation to its Law Enforcement Services general program operations appropriation. The provisions of 2009 Act 28 provided 3.0 additional ICAC positions to DOJ under its Administrative Services general program operations appropriation, but required the Department to fund these positions utilizing base resources. This budget provision would transfer these positions and the associated funding to the Department's Law Enforcement Services general program operations appropriation.

The Wisconsin ICAC Task Force was created in 1998 with federal funding to counter the emerging threat of offenders using online technology to sexually exploit children. The task force conducts investigations, provides investigative, forensic and prosecutorial assistance to law enforcement agencies and prosecutors, encourages statewide and regional collaboration, and provides training for law enforcement, prosecutors, parents, teachers, and other community members. The task force also coordinates with the Wisconsin Clearinghouse for Missing and Exploited Children, to provide support services to children and families that have experienced victimization.

The Wisconsin ICAC Task Force is led by DOJ. In 2006-07, the ICAC task force unit in DOJ was authorized 10.0 full-time equivalent positions. Under 2007 Act 20, the Legislature provided 5.0 additional positions annually to the ICAC unit (2.0 special agents and 3.0 computer forensic analysts). Under 2009 Act 28, the Legislature authorized an additional 5.0 positions annually to the ICAC unit (2.0 special agents and 3.0 computer forensic analysts).

6. DNA ANALYSIS RESOURCES

Governor: Provide \$394,000 in 2011-12, \$376,300 in 2012-13, and 6.0 DNA analyst positions annually, to provide additional staffing and supplies and services resources to the state crime laboratories for deoxyribonucleic acid (DNA) analysis. Funding would include: (a) \$217,000 in 2011-12, and \$289,300 in 2012-13, for salary and fringe benefits costs; and (b) \$177,000 in 2011-12, and \$87,000 in 2012-13, for supplies and services costs.

	Funding	Positions
GPR	\$770,300	6.00

Under s. 165.77 of the statutes, the state crime laboratories are required to provide DNA analysis and maintain a DNA databank. The laboratories are required to analyze the DNA in a human biological specimen, if requested: (a) by a law enforcement agency regarding an investigation; (b) pursuant to a court order; and (c) by an individual regarding his or her own specimen, subject to rules established by the Department.

Under 2007 Acts 5 and 20, the Legislature provided additional resources to DOJ to address an increasing DNA analysis caseload/backlog. Prior to the passage of these acts, the state crime laboratories were authorized 29.0 DNA analysts. Together these acts provided position authority and funding for 31.0 additional DNA analysis-related positions including: (a) 29.0 DNA analysts; (b) 1.0 DNA technician; and (c) 1.0 DNA analysis supervisor. With the additional resources DOJ indicated that it eliminated the DNA analysis backlog at the end of the 2009-10 state fiscal year. The Executive Budget Book indicates that the additional resources are recommended to address increasing caseloads and to prevent backlogs.

7. PENALTY SURCHARGE SHORTFALL

PR	-\$2,619,500
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Governor: Include the following statutory and funding changes to address a projected shortfall in the penalty surcharge receipts appropriation.

Reduce Penalty Surcharge Funded Appropriations. Reduce penalty surcharge funded appropriations in five different state agencies by 10% annually (generally after standard budget adjustments). The fiscal effects of these reductions are described in the budget summaries of each affected agency [Administration -- General Agency Provisions, Administration -- Office of Justice Assistance, Corrections -- Adult Correctional Facilities, Justice, Public Defender, and Public Instruction].

Reduce Affected DOJ Appropriations. Reduce expenditure authority under the following agency appropriations by \$1,309,600 in 2011-12, and by \$1,309,900 in 2012-13.

<u>Appropriation</u>	<u>2011-12</u>	<u>2012-13</u>
Law Enforcement Training Fund-Local	-\$485,000	-\$485,000
Law Enforcement Training Fund-State	-358,700	-358,700
Drug Enforcement Intelligence Operations	-180,000	-180,300
TIME System	-88,700	-88,700
County Victim-Witness Services Reimbursement	-83,200	- 83,200
Drug Crimes Enforcement; Local Grants	-79,800	-79,800
Crime Laboratory Equipment and Supplies	<u>-34,200</u>	<u>-34,200</u>
Total	-\$1,309,600	-\$1,309,900

Modifications to Appropriations. Require that all unencumbered balances at the end of each fiscal year in all penalty surcharge supported appropriations revert to the penalty surcharge receipts appropriation under DOJ.

[Bill Sections: 686 thru 692 and 696]

8. TRANSFER NARCOTICS ENFORCEMENT FUNDING AND POSITIONS TO CRIMINAL INVESTIGATION

Governor: Delete base funding and positions allocated to narcotics enforcement totaling \$9,531,100 and 67.0 positions annually (\$2,513,800 GPR and 20.0 GPR positions, \$2,018,500 FED and 14.0 FED positions, and \$4,998,800 PR and 33.0 PR positions annually). Provide an offsetting \$9,531,100 and 67.0 positions annually to the Division of Criminal Investigation (\$2,513,800 GPR and 20.0 GPR positions, \$2,018,500 FED and 14.0 FED positions, and \$4,998,800 PR and 33.0 PR positions annually). The bill would eliminate the specific allocation of funding and positions for narcotics enforcement, and instead allocate these resources more broadly for criminal investigation. Under current law, the Legislature has specifically allocated a portion of the funding and positions provided to the Division of Criminal Investigation for narcotics enforcement.

9. CRIMINAL HISTORY SEARCH FEES

PR-REV	\$580,600
PR	- \$500,000

Governor: Provide that all requesters of criminal record name searches for non-criminal justice related purposes be charged \$7 per request. Under current law, nonprofit organizations and governmental agencies pay \$7 per request, while other requesters pay \$13 per request. Current law also provides that effective July 1, 2011, the fee charged to nonprofit organizations will revert to \$2. [Prior to 2009 Act 28, nonprofit organizations paid \$2 per request for non-criminal justice related requests for criminal record name searches.] The Department of Justice estimates that adopting these fee changes would generate an additional \$290,300 in annual revenue.

In addition, delete \$250,000 PR annually in expenditure authority supported by criminal history search fees. The Department of Administration indicates that base expenditure authority exceeds estimated annual expenditures in the 2011-13 biennium.

[Bill Sections: 2683 thru 2685]

10. ALLOCATION OF DISCRETIONARY LEGAL SETTLEMENT FUNDING

Governor: Modify the Division of Administrative Services gifts, grants and proceeds appropriation to provide that funding must annually be transferred from the DOJ appropriation to the new Department of Administration (DOA) federal resource acquisition appropriation. The required transfer would equal the amounts provided in the Chapter 20 appropriations schedule for the DOA appropriation. Under the bill, this DOA appropriation is provided \$128,300 PR annually. Further provide that \$41,000 PR in 2011-12, be transferred from this DOJ gifts, grants and proceeds appropriation to the Supreme Court Law Library's gifts and grants appropriation for the purchase of archival material.

The Executive Budget Book indicates that the transfer of funding to the DOA federal resource acquisition appropriation is intended to provide sufficient funding to eliminate the need for law enforcement agencies to pay a \$500 annual fee to participate in the Section 1033 program. Section 1033 of the National Defense Authorization Act of 1997 permits the federal Department of Defense to transfer excess military property to law enforcement agencies. Eligible law enforcement agencies are government agencies whose primary duty is the enforcement of federal, state, and local laws, and whose compensated full-time law enforcement officers have arrest and apprehension powers. Excess property acquired by law enforcement agencies under the program can be used for counter-drug and other law enforcement activities except for the operation of a jail. The Wisconsin Technical College System Foundation operates the Wisconsin Section 1033 program through an agreement with DOA's Office of Justice Assistance.

Under current law, DOJ utilizes its Division of Administrative Services gifts, grants and proceeds appropriation to receive and allocate legal settlement funds that are distributed at the discretion of the Attorney General. The Executive Budget Book indicates that the intent of the bill is to transfer "discretionary legal settlement funds" to the new DOA federal resource acquisition appropriation and to the State Law Library's gifts and grants appropriation.

[Bill Sections: 336, 694, 721, and 9245(1)]

11. ADMINISTRATION OF SEXUAL ASSAULT VICTIM SERVICES PROGRAM

Governor: Amend the PR continuing sexual assault victim services grant program appropriation to authorize funding to be expended from this appropriation to administer the grant program. This appropriation is funded from Part B of the crime victim and witness assistance surcharge. On July 14, 2009, the Joint Committee on Finance approved a request, pursuant to s. 16.515/16.505(2), Stats., to create a 0.4 PR position to administer the sexual assault victim services grant program. In its approval letter, the Committee indicated that "this appropriation might be amended to specifically indicate that the appropriation may be used to administer the sexual assault victim services grant program." The bill language follows up on this Committee recommendation.

Under the sexual assault victim services grant program, grants are provided to eligible nonprofit corporations or public agencies to provide (or subcontract to provide) all of the following services for sexual assault victims: (a) advocacy and counseling services; (b) 24-hour crisis telephone service; (c) educational programs on professional intervention and community prevention; and (d) services for persons living in rural areas, men, children, elderly or physically disabled persons, minority groups or other groups of victims that have special needs within the service area of the nonprofit corporation or public agency. An eligible organization may not receive more than 70% of its operating budget from grants provided under this program and may not contract, subcontract or enter into agreements with other organizations or individuals to provide all of the required services.

[Bill Section: 695]

12. GAMING ENFORCEMENT

Governor: Delete the statutory requirement that the Attorney General establish a separate Gaming Enforcement Bureau under the Division of Criminal Investigation in which all of the Department's gaming law enforcement responsibilities must be performed. In addition, delete \$133,800 and 1.0 position annually from the Department's gaming law enforcement; racing revenues appropriation. As a result, this appropriation would have no expenditure or position authority. With the closure of the last dog track in Wisconsin, funding and position authority is no longer needed for oversight and enforcement of state laws regarding dog tracks. While the bill would eliminate the requirement to establish a Gaming Enforcement Bureau, DOJ would continue to enforce the state's gaming laws under Chapters 562 to 569 and Chapter 945 of the statutes.

	Funding	Positions
PR	- \$267,600	- 1.00

[Bill Sections: 685, 693, and 2682]

13. THREAT LIAISON OFFICER PROGRAM

Governor: Delete \$87,400 PR annually from the PR continuing Law Enforcement Services interagency and intra-agency assistance appropriation associated with salary and fringe benefits funding for a 1.0 project position under

FED	\$87,400
PR	- 174,800
Total	- \$87,400

the threat liaison officer program. Provide \$87,400 FED in 2011-12 and transfer this 1.0 project position to the Law Enforcement Services federal aid, state operations appropriation. In order to effectuate this provision a 1.0 PR position must be deleted from the interagency and intra-agency assistance appropriation and a 1.0 FED position must be created under the federal aid, state operations appropriation. The Executive Budget Book has also expressed an intention to extend the position authority for this project position for its fourth and final year through June 30, 2012.

The Department of Administration's Office of Justice Assistance (OJA) is the state agency that receives federal homeland security grant awards from the federal government. The Office then makes awards of these grant funds to eligible state and local agencies. The Executive Budget Book indicates that the threat liaison officer program position is funded through federal homeland security grants awarded by OJA. Under current budget practice, only federal funds directly received by an agency from the federal government are deposited to a federal appropriation. Federal funds to support the threat liaison officer program should be received directly by DOJ, and not by OJA, in order to be deposited to the DOJ federal aid, state operations appropriation.

Under the bill, the funding source of the threat liaison officer program project position would change from PR to FED. While PR project positions must be approved by the Legislature, FED project positions may be created by executive branch agencies without legislative oversight. The Legislature would not have to approve the extension of the threat liaison officer program project position for its final year through June 30, 2012, if the position is converted to a federal position.

The threat liaison officer program trains government officials and members of the private sector across the state to: identify potential terrorist activity, report suspicious activity, respond to natural or man made catastrophic events, work to protect critical infrastructure, and engage in information sharing across disciplines. In carrying out this program, the state has been divided into six regions that mirror the regions developed by Wisconsin Emergency Management. Each region is represented by a coordinating team including a local law enforcement or emergency manager, a member of the FBI and an assigned DOJ analyst from the Wisconsin Statewide Information Center.

14. WISCONSIN STATEWIDE INFORMATION CENTER

Governor: Delete \$462,100 PR and 5.0 PR positions annually from the PR continuing Law Enforcement Services interagency and intra-agency assistance appropriation associated with salary and fringe benefits funding for 5.0 positions under the Wisconsin Statewide Information Center (WSIC). Provide \$462,100 FED and 5.0 FED positions annually to the Law Enforcement Services federal aid, state operations appropriation.

	Funding	Positions
FED	\$924,200	5.00
PR	<u>- 924,200</u>	<u>- 5.00</u>
Total	\$0	0.00

The Department of Administration's Office of Justice Assistance (OJA) is the state agency that receives federal homeland security grant awards from the federal government. The Office then makes awards of these grant funds to eligible state and local agencies. The Executive Budget Book indicates that the WSIC is funded through federal homeland security grants

awarded by OJA. Under current budget practice, only federal funds directly received by an agency from the federal government are deposited to a federal appropriation. Federal funds to support the WSIC should be received directly by DOJ, and not by OJA, in order to be deposited to the DOJ federal aid, state operations appropriation.

Under the bill, the funding source for the WSIC would change from PR to FED. While PR project positions must be approved by the Legislature, FED project positions may be provided to executive branch agencies without legislative oversight. If the WSIC would seek additional project positions in the future, these project positions could be created without legislative oversight if the positions were considered federally-funded positions.

The WSIC is not restricted to a law enforcement or terrorism focus, but rather, at the recommendation of the federal Department of Homeland Security, has been developed as an all crimes, all hazards information sharing center that has a broad emergency response focus. In an emergency it is the responsibility of the WSIC to provide "actionable information" to assist Wisconsin Emergency Management or other state and local agencies in coordinated response to the emergency. It is also the responsibility of the WSIC to serve as the state agency intelligence lead for any criminal investigation resulting from a major incident.

15. VICTIM SERVICES SPECIALIST POSITION REALIGNMENT

Governor: Delete \$65,000 FED and 1.0 FED position annually from DOJ's federal aid; victim assistance appropriation.

This position is a victim services specialist position that works in the Victim Resource Center at DOJ. Instead, provide \$65,000 PR and 1.0 PR position annually to DOJ's PR annual interagency and intra-agency assistance; reimbursement to counties appropriation. Under the PR appropriation, the position would still be funded from a federal pass-through grant under the federal Victims of Crime Act (VOCA).

	Funding	Positions
FED	- \$130,000	- 1.00
PR	<u>130,000</u>	<u>1.00</u>
Total	\$0	0.00

16. INTERCHANGE OF EMPLOYEES OR SERVICES WITH MINNESOTA

Governor: Provide that any state of Minnesota employee performing services for Wisconsin, pursuant to a valid agreement between the states providing for interchange of employees or services, is considered to have the same status as a Wisconsin employee performing the same services in any action brought under the laws of Wisconsin. Further, provide that any Wisconsin employee performing services for the state of Minnesota pursuant to such an agreement is considered to have the same status as when performing the same services for Wisconsin in any action brought under the laws of Wisconsin. Require DOJ to provide representation in these cases. In addition, any employee of the state of Minnesota found liable as a result of performing services for Wisconsin under a valid interchange agreement between the states must be indemnified by Wisconsin to the same extent as an employee of the state of Wisconsin performing the same services. Witnesses on behalf of the state in these actions would be entitled to current law witness fees, and the Attorney General would be authorized to compromise and settle actions arising under these provisions.

Under current law, the state may be found liable for acts committed by state employees while carrying out their employment duties within the scope of employment. Current law also provides that any person bringing a civil lawsuit against a state employee on account of any act growing out of, or committed in, the course of employment must generally give the Attorney General notice of the claim within 120 days of the act giving rise to the litigation, and the liability of the state is limited to \$250,000.

[Bill Sections: 2681, 3500, and 3504]

17. CRIME VICTIM AND WITNESS ASSISTANCE SURCHARGE

Governor: Modify current law which, effective July 1, 2011, provides that the first \$20 of each \$27 Part B crime victim and witness assistance surcharge must be allocated for grants for sexual assault victim services, to instead provide that Part B be reduced to \$20 for each misdemeanor or felony offense or count, all of which would be allocated for grants for sexual assault victim services. Further, modify current law which, effective July 1, 2011, provides that the last \$7 of each of each \$27 Part B crime victim and witness assistance surcharge be allocated for county victim and witness assistance programs and crime victim compensation awards, to instead create a new \$7 Part C crime victim and witness assistance surcharge for each misdemeanor or felony offense or count that would be utilized to fund county victim and witness assistance programs and crime victim compensation awards.

Specify that a person would be required to pay Part B of the crime victim and witness assistance surcharge in full before he or she would pay any amounts owed under Part C of the surcharge. Provide that all Part C revenue be deposited to the crime victim and witness assistance surcharge, general services appropriation to fund county victim and witness assistance programs and crime victim compensation awards.

[Bill Sections: 3547 thru 3552]

18. TECHNICAL CORRECTION -- POSITION REDUCTION

Governor: Delete a 0.40 full-time equivalent position annually from DOJ's federal aid; victim assistance appropriation to reconcile the budget system with the state's personnel management information system.

Positions	
FED	- 0.40